



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 12 2019

REPLY TO THE ATTENTION OF:

SE-5J

VIA FEDERAL EXPRESS

Enstar (US) Inc.
On behalf of Providence Washington Insurance Company
51 Clemson Rd.
Columbia, South Carolina 29229

Re: Request for Information Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
Old American Zinc Site – Insurance Coverage Information on XTRA Intermodal, Inc., 2575 Kingshighway, Village of Fairmont City, Illinois (St. Clair County) or North 45th Street and Maryland Avenue, Fairmont City, St. Clair County, Illinois
Site/Spill Identifier: B5A1

Dear Designated Insurance Policy Representative for XTRA Intermodal, Inc.:

This letter seeks your cooperation in providing information and documents relating to contamination at the Old American Zinc Site (the Site). The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675, commonly known as "CERCLA" or "Superfund," gives the U.S. Environmental Protection Agency (EPA) the authority to, among other things: (a) assess contaminated sites; (b) determine the threats to human health and the environment posed by each site; and (c) clean up those sites in the order of the relative threats posed by each.

EPA is responding to the release or threat of release of hazardous substances, pollutants or contaminants at the Site and is seeking additional information concerning the generation, storage, treatment, transportation and methods used to dispose of such substances. The purpose of this letter is to obtain information about any insurance policies issued from 1976 to the present regarding operations at this address by former owners or operators. EPA believes that you may have information which may assist it in determining whether former owners or operators have an ability to pay for ongoing remediation at this Site.

The Old American Zinc Site is an inactive industrial facility. From 1913 until 1967, American Zinc Company of Illinois operated a zinc smelter facility at the Site. By 1967, all structures were either moved or torn down and disposed of off-Site. The Site remained vacant until 1976, when XTRA Intermodal, Inc. (XTRA) leased the Site from American Zinc Company (successor to

American Zinc Company of Illinois) to use it for a semi-trailer leasing and storage operation. XTRA subsequently purchased the Site property in 1979. In 2003, the company discontinued its operations. The Site is currently vacant. Elevated levels of lead, zinc, arsenic, cadmium and copper have been detected in the soil, slag and sediment at the Site and in nearby alleyways and surface water bodies, and in the groundwater. In addition, nearby residential properties, vacant lots, and commercial properties have elevated levels of lead, cadmium, and arsenic from slag material that was transported from the Site to those areas.

Potentially Responsible Party XTRA has notified EPA that it has various insurance policies with possible Pollution Coverage related to the Site.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and enclosed questions (Enclosure C) within thirty (30) calendar days of your receipt of this letter.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority that allows EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility;
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and
- (c) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

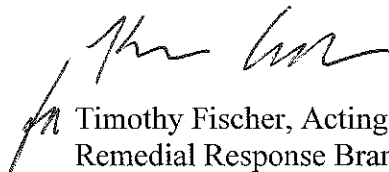
Instructions on how to respond to the questions in Enclosure C to this document are described in Enclosure A. Your response to this Information Request should be mailed to:

Mike Rafati, Enforcement Specialist
U.S. Environmental Protection Agency, Region 5
Superfund & Emergency Management Division
Enforcement Support Section, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about the history of the Site, the nature of the environmental conditions at the Site or the status of cleanup activities, please contact Sheila Desai, Remedial Project Manager at (312) 353-4150 or at desai.sheila@epa.gov. If you have any legal questions, please contact Tom Turner, Associate Regional Counsel, at (312) 886-6613 or at turner.thomas@epa.gov. If you have specific questions about the Information Request, please contact Mike Rafati, Enforcement Specialist, at (312) 886-0390 or at rafati.mike@epa.gov.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Fischer", is written over a horizontal line.

Timothy Fischer, Acting Chief
Remedial Response Branch 1

Enclosures

- A. Instructions
- B. Definitions
- C. Questions
- D. Declaration

bcc: Tom Turner, ORC (C-14J)
Sheila Desai, RRS-3 (SR-6J)
Mike Rafati, ESS (SE-5J)
Carolyn Bohlen, ESS (SE-5J)
John Maritote, RS 4 (SE-5J)
Gerri Pete, ESS (SE-5J)
Todd Quesada, RMD (SRC-7J)

Jeffrey Spector, Esq.
Senior Attorney – U.S. Dept. of Justice
ENRD/EES – P.O. Box 7611
Ben Franklin Station
Washington, DC 20044-7611

Steve Poplawski, Esq.
Bryan Cave Leighton Paisner LLP
One Metropolitan Square
211 North Broadway, Suite 3600
St. Louis, MO 63102-2750

Enclosure A
Information Request
Old American Zinc Site

INSTRUCTIONS

1. Answer Each Question Completely. You must provide a separate answer to each question and subpart set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to the penalties set out in the cover letter.

2. Response Format and Copies. Provide the responses to this Information Request and copies of all requested documents either electronically or on paper (hard copy). Your submission, whether electronic or hard copy, must include an index that lists all the responsive documents provided, and that indicates where each document is referenced in the written response, and to which question or questions each document is responsive.

Any documents you determine to be Confidential Business Information (CBI) must be segregated out and submitted in a separate folder or on a separate compact disc (CD). These documents must be clearly marked as "Confidential Business Information".

If providing your response electronically, it must be submitted on a CD in Portable Document Format (PDF) and comply with the following requirements:

(a) CBI and personal privacy information (PII) should be provided on separate media (e.g., a separate CD) and marked as such to ensure information is appropriately handled.

(b) All documents originally smaller than 11 inches by 17 inches can be submitted electronically; any documents originally larger than 11 inches by 17 inches must be submitted in hard copy.

(c) Electronic PDF files must be text-searchable.

(d) The document index must clearly identify any single electronic document which has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.

3. Number Each Answer. Number each answer with the number of the question to which it corresponds.

4. Provide the Best Information Available. You must provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Information Request.

5. Identify Information Sources. For each question, identify all persons and documents you relied on for your answer.

6. Confidential Information. You must provide the information requested even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as “trade secret”, “proprietary” or “company confidential.” Your confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice to you.

You should also provide a redacted version of the same document that removes all information you claim is CBI and PII from the document. Since all the CBI and PII is removed, this redacted version is not subject to the procedures of 40 C.F.R. Part 2. EPA may make this redacted version available to the public without further notice to you.

7. Disclosure to the EPA Contractor. Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information that you assert is entitled to treatment as CBI, you may comment on this intended disclosure within twenty (20) business days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as “Personal Privacy Information.” You should note, however, that unless prohibited by law, EPA may disclose this information to the general public without further notice to you.

9. Objections. While you may object to certain questions in this Information Request, you must provide responsive information notwithstanding those objections. To object without providing responsive information may subject you to the penalties set out in the cover letter.

10. Privilege. If you claim that any document responsive to this Information Request is a communication for which you assert that a privilege exists for the entire document, identify (see Definitions) the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you are not asserting a privilege, identify the portion of the document for which you are asserting the privilege, and provide the basis for such an assertion. Please note that regardless of

the assertion of any privilege, any facts contained in the document that are responsive to the Information Request must be disclosed in your response.

11. Declaration. You must complete the enclosed declaration, in hard copy with an original signature, certifying the accuracy of all statements in your response.

Enclosure B
Information Request
Old American Zinc Site

DEFINITIONS

Terms not defined here shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, or Volume 40 of the Code of Federal Regulations, in which case such statutory or regulatory definitions shall apply.

The following definitions apply to the following words as they appear in this Information Request:

1. The term "business activities" means all actions, endeavors, ventures, or financing arrangements related in any manner whatsoever to the use and development of the Site, including surveying, sampling, grading, documentation, photography, demolition, construction, waste disposal, and sales.
2. The terms "document" and "documents" mean any method of recording, storing or transmitting information. "Document" includes, but is not limited to:
3. Writings of any kind, including, but not limited to, any of the following:
 - a. letters, memoranda, fax transmittals;
 - b. meeting minutes, telephone records, notebooks;
 - c. agreements and contracts;
 - d. reports to shareholders, management, or government agencies;
 - e. copies of any documents;
 - f. any film, photograph, or sound recording on any type of device;
 - g. any blueprints or drawings; and
 - h. attachments to, or enclosures with, any document.
4. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position or business.

5. The term "identify" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number, if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. Alternatively, Respondent may provide a complete copy of the document.
6. The term "period of interest" means 1976 through the present.
7. The term "Site" means any or all property or area described as the Old American Zinc Site, located at North 45th Street and Maryland Avenue, Fairmont City, St. Clair County, Illinois, also identified as St. Clair County Tax Parcel Numbers: 02-04.0-404-077, 02-04.0-404-078, 02-04.0-402-028, 02-04.0-403-034, 02-04.0-405-055, 02-04.0-406-031, 02-04.0-407-0027, and 02-04.0-408-002.
8. The terms "you" or "Respondent" mean the addressee of this Request, together with the addressee's agents, employees, and contractors.

Enclosure C
Information Request
Old American Zinc Site

QUESTIONS

1. State the full name, address, telephone number, positions(s) held by and tenure of the individual(s) answering any of these questions on behalf of Enstar (US) Inc. and/or any of its predecessors, subsidiaries, affiliated businesses or commercial enterprises, or successor companies concerning the matters set forth herein.
2. EPA information indicates that Enstar (US) Inc. provided insurance for:
 - a. X-L-Co., Inc.;
 - b. XTRA Inc.;
 - c. XTRA Corp.; and
 - d. Any subsidiaries thereof; hereinafter identified, generally, as 'XTRA.'

Identify all property, pollution, casualty, environmental and/or liability insurance policies, and any other insurance contracts referencing the Site or facilities located at the Site. In identifying such policies, state:

- e. The name and address of each insurer and of the insured;
- f. The type of policy and policy numbers;
- g. The effective dates for each policy;
- h. The per occurrence policy limits of each policy;
- i. A description of the insured's efforts to file any claims relating to soil and/or groundwater contamination at the Site, under each policy, as well as the outcome of such efforts; and
- j. Identify all insurance brokers or agents who placed insurance for any entities identified in question 2. Identify by name and title, if known, individuals at the agency or brokerage firm most familiar with the property, pollution, casualty, environmental and/or liability insurance program and the current whereabouts of each individual, if known.

3. Provide copies of all casualty, liability and/or pollution insurance policies in your possession issued to the parties identified in Question 2 or any other entities located at the Site, including but not limited to comprehensive general liability, primary, umbrella and excess policies, as well as any environmental impairment liability or pollution legal liability insurance.
4. If there are any casualty, liability and/or pollution insurance policies issued to the parties identified in Question 2 or other parties at the Site of which you have any evidence, or of which you are aware but neither possess copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying:
 - a. The name and address of each insurer and of the insured;
 - b. The type of policy and policy numbers;
 - c. The per occurrence or per accident policy limits of each policy;
 - d. Whether each such policy is “primary” or “excess;” and
 - e. The commencement and expiration dates of such policy.
5. To the extent not identified in Questions 3 and 4 above, provide all other evidence of casualty, liability and/or pollution insurance issued to the parties identified in Question 2 or regarding the Site property.
6. Identify any previous settlements with any insurer in connection with the Facility, or for any claims for environmental liabilities during the time period in question. Include any policies surrendered or cancelled by the Respondent or insurer.
7. Provide copies of all casualty, liability and/or pollution insurance policies issued by Respondent (or Respondent’s predecessors) to XTRA from 1976 to present including, but not limited, to comprehensive general liability, primary, umbrella and excess policies, as well as any environmental impairment liability or pollution legal liability insurance.
8. If there are any casualty, liability and/or pollution insurance policies issued by Respondent (or Respondent’s predecessors) to XTRA from 1976 to present of which you have any evidence, or of which you are aware, but neither possess copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying:
 - a. The name and address of each insurer and of the insured;
 - b. The type of policy and policy numbers;
 - c. The per occurrence or per accident policy limits of each policy;

- d. Whether each such policy is “primary” or “excess; and
 - e. The commencement and expiration dates of such policy.
- 9. To the extent not identified in Questions 7 or 8 above, provide all other evidence of casualty, liability and/or pollution insurance issued to XTRA from 1976 to present.
 - 10. For each policy of insurance identified in Questions 2, 3 or 4 above, provide all underwriting files, claim files, loss control files, and premium audits, as well as any accounting records including retrospective rating adjustments, for each such policy.
 - 11. Provide all documents and files that constitute, evidence, refer, or relate to claims made by XTRA under any of the policies identified in Questions 7, 8 or 9.
 - 12. Identify all previous settlements by Respondent (or Respondent’s predecessors) with XTRA that relate in any way to environmental liabilities and/or to casualty, liability and/or pollution insurance coverage, including:
 - a. The date of the settlement;
 - b. The scope of release provided under such settlement; and
 - c. The amount of money paid by Respondent pursuant to such settlement.

Provide copies of all such settlement agreements.

- 13. Identify all insurance agencies or brokerage firms that placed any casualty, liability and/or pollution insurance policies issued by Respondent (or Respondent’s predecessors) to XTRA from 1976 to present. Include the name, address, telephone number and time period when the agency placed insurance on behalf of the Respondent as well as the name and current whereabouts, if known, of individuals at the agency or brokerage firm with whom the Respondent communicated and the nature of the communication. If the Respondent believes no agency or brokerage firm was used to place casualty and/or liability and/or environmental insurance on behalf of XTRA, provide an explanation of how such insurance was placed.

Enclosure D
Information Request
Old American Zinc Site

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of the Respondent and that the foregoing is complete, true, and correct.

Executed on _____, 20_____.

Signature

Type or Print Name

Title